IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14168 of 2004

Between:

L.Mallesham, S/o Chandrappa,
Tandur Depot, R.R.District R/o H.No.1-6-169, Raghavendra Colony,
Near Chandra 70 MM Theatre, Tandur, Ranga Reddy District

..... PETITIONER

AND

Depot Manager, A.P.S.R.T.C. Tandur Depot, Tandur, Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent without conducting either preliminary or domestic enquiry and without issuing Show Cause notice before issuing final order No.P1/462(24)/2003-TDR dated 10-2-2004 for differement of annual increment for a period of one year work effect whereas the petitioner having two years service for his retirement from service on attaining the age of superannuation i.e., 58 years is as illegal, unjust, contrary to law and in violation of Articles of natural justice by granting all consequential benefits and setting aside the Order No.P1/462(24)2003-TDR, dated 10-2-2004 of the respondent

Counsel for the Petitioner:MR.MOHD.GHOUSEUDDIN

Counsel for the Respondent No.: MR.K.HARINATH (SC FOR APSRTC)

The Court made the following :

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.14168 OF 2004

ORDER:

The petitioner is working as a driver in the respondent-corporation. He was imposed a penalty of stoppage of one annual increment without cumulative effect through the order dated 10.02.2004 for dereliction of duty alleged to be committed by the petitioner. The petitioner instead of preferring an appeal to the concerned authority against the order of the respondent-Depot Manager, directly approached this Court to declare that the order of the respondent dated 10.02.2004 is illegal, unjust, contrary to law and against the principles of natural justice.

The writ petition is premature and therefore is dismissed giving liberty to the petitioner to file an appeal before the concerned authority. No order as to costs.

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(Dr.G.YETHIRAJULU, J)

Dated 11th August, 2004.

YCR

To

1. Depot Manager, A.P.S.R.T.C. Tandur Depot, Tandur, Ranga Reddy District.

2. 2 C.D. copies.